ORIGINAL

ORDINANCE NO. 2213

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADDING SECTION 9.42.005 TO THE REDMOND MUNICIPAL CODE TO ADOPT BY REFERENCE RCW 9.91.025, UNLAWFUL BUS CONDUCT, RCW 9A.50.010, DEFINITIONS, RCW 9A.50.020, INTERFERENCE WITH A HEALTH CARE FACILITY, RCW 9A.50.030, PENALTY; AMENDING SECTION 9.42.020, RIOT, FAILURE TO DISPERSE AND OBSTRUCTION, ADOPTING BY REFERENCE 9A.84.010; CONTAINING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2004.

WHEREAS, the Redmond City Council finds that this ordinance is in the interest of the public health, safety, and welfare, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. A new section of the Redmond Municipal Code is hereby added to read as follows:

9.42.005. Crimes related to the public peace. The following statutes of the state of Washington, including any future amendments, additions thereto and repeals thereof, are adopted by reference and incorporated herein by this reference as if set forth in full:

RCW 9.91.025	Unlawful bus conduct
RCW 9A.50.010	Definitions (as used in RCW Chapter 9A.50)
RCW 9A.50.020	Interference with Health Care Facility
RCW 9A.50.030	Penalty

Section 2. Section 9.42.020 Amended. Section 9.42.020 of the Redmond Municipal Code is hereby amended to read as follows:

9.42.020 Riot, failure to disperse and obstruction. The following statutes

of the state of Washington, including any future amendments, additions thereto and

repeals thereof, are hereby adopted by reference and incorporated herein by this reference

as if set forth in full:

RCW 9A.84.010(1)(2)(b)

RCW 9A.84.020 RCW 9.27.015 Riot

Failure to disperse

Interference, obstruction of any court, building

or residence

Section 3. Severability. If any section, sentence, clause or phrase of

this ordinance is held to be invalid or unconstitutional by a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect the validity or

constitutionality of any other sections, sentence, clause or phrase of this ordinance.

Section 4. Procedure. Incident to the adoption by reference of certain

state laws contained in the Revised Code of Washington, one copy of the text of the

statute adopted by reference in this ordinance is attached hereto as Exhibit A and shall be

filed with the City Clerk as required by RCW 35A.12.140 for use and examination by the

public.

Section 5. Effective Date. This ordinance shall take effect on July 1,

2004.

APPROVED:

MAYOR, ROSEMARIE M. IVES

ATTEST/AUTHENTICATED:

Danie Matter

CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY:

FILED WITH THE CITY CLERK

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 2113

May 11, 2004

May 18, 2004

May:24;:2004- June 25, 2004*

July 1, 2004

*Clerk's Note - The summary was not published by The Seattle Times on the requested date. It was published on June 25, 2004 after the error was discovered.

not to be limited to, any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private provided that where public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed.

(2) Every person who denies to any other person because of race, creed, or color, the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement, shall be guilty of a misdemeanor. [1953 c 87 § 1; 1909 c 249 § 434; RRS § 2686.]

Application forms, licenses—Mention of race or religion prohibited: RCW 43.01.100, 43.01.110.

Interference with board against discrimination: RCW 49.60.310.

9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated. Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, flagger, or signalman, or having charge of stations, starting, regulating or running trains upon a railway, or being employed as captain, engineer or other officer of a vessel propelled by steam, or being the driver of any animal or vehicle upon any public highway, street, or other public place, is intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor. [2000 c 239 § 3; 1915 c 165 § 2; 1909 c 249 § 275; RRS § 2527.]

Reviser's note: Caption for 1915 c 165 § 2 reads as follows: "Section 2527 [Rem. & Bal.] Intoxication of employees." See State v. Crothers, 118 Wash. 226.

Captions not law—2000 c 239: See note following RCW 49.17.350. Hunting while intoxicated—Penalty: RCW 77.15.675.

Operating vehicle under influence of intoxicants or drugs: RCW 46.20.285, 46.61.502.

Operating vessel in reckless manner or while under influence of alcohol or drugs: RCW 79A.60.040. Railroads, employees, equipment, operations: Chapters 81.40, 81.44, 81.48 RCW.

Reckless operation of steamboat or engine: RCW 9A.32.060, 9A.32.070.

9.91.025 Unlawful bus conduct. (1) A person is guilty of unlawful bus conduct if while on or in a municipal transit vehicle as defined by RCW 46.04.355 or in or at a municipal transit station and with knowledge that such conduct is prohibited, he or she:

(a) Except while in or at a municipal transit station, smokes or carries a lighted or smoldering pipe, cigar, or

cigarette;

(b) Discards litter other than in designated receptacles;

- (c) Plays any radio, recorder, or other sound-producing equipment except that nothing herein shall prohibit the use of such equipment when connected to earphones that limit the sound to individual listeners or the use of a communication device by an employee of the owner or operator of the municipal transit vehicle or municipal transit station;
 - (d) Spits or expectorates;
- (e) Carries any flammable liquid, explosive, acid, or other article or material likely to cause harm to others except that nothing herein shall prevent a person from carrying a cigarette, cigar, or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law;
- (f) Intentionally obstructs or impedes the flow of municipal transit vehicles or passenger traffic, hinders or prevents access to municipal transit vehicles or stations, or otherwise unlawfully interferes with the provision or use of public transportation services;

(g) Intentionally disturbs others by engaging in loud, raucous, unruly, harmful, or harassing behavior; or

(h) Destroys, defaces, or otherwise damages property of a municipality as defined in RCW 35.58.272 employed in the provision or use of public transportation services.

- (2) For the purposes of this section, "municipal transit station" means all facilities, structures, lands, interest in lands, air rights over lands, and rights of way of all kinds that are owned, leased, held, or used by a municipality as defined in RCW 35.58.272 for the purpose of providing public transportation services, including, but not limited to, park and ride lots, transit centers and tunnels, and bus shelters.
- (3) Unlawful bus conduct is a misdemeanor. [1994 c 45 § 4; 1992 c 77 § 1; 1984 c 167 § 1.]

Findings—Declaration—Severability—1994 c 45: See notes following RCW 7.48.140.

Drinking in public conveyance: RCW 66.44.250.

9.91.060 Leaving children unattended in parked automobile. Every person having the care and custody, whether temporary or permanent, of minor children under the age of twelve years, who shall leave such children in a parked automobile unattended by an adult while such person enters a tavern or other premises where vinous, spirituous, or malt liquors are dispensed for consumption on the premises shall be guilty of a gross misdemeanor. [1999 c 143 § 9; 1951 c 270 § 17.]

Leaving children unattended in standing vehicle with motor running: RCW 46.61.685.

[Title 9 RCW-page 92]

9A.49.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aircraft" means any contrivance known or hereafter invented, used, or designed for navigation of or flight in air.

- (2) "Laser" means any device designed or used to amplify electromagnetic radiation by simulated emission which is visible to the human eye.
- (3) "Laser sighting system or device" means any system or device which is integrated with or affixed to a firearm and which emits a laser light beam that is used by the shooter to assist in the sight alignment of that firearm. [1999 c 180 § 2.]
- 9A.49.020 Unlawful discharge of a laser in the first degree. (1) A person is guilty of unlawful discharge of a laser in the first degree if he or she knowingly and maliciously discharges a laser, under circumstances not amounting to malicious mischief in the first degree:

(a) At a law enforcement officer or other employee of a law enforcement agency who is performing his or her official duties in uniform or exhibiting evidence of his or her authority, and in a manner that would support that officer's or employee's reasonable belief that he or she is targeted with a laser sighting device or system; or

(b) At a law enforcement officer or other employee of a law enforcement agency who is performing his or her official duties, causing an impairment of the safety or operation of a law enforcement vehicle or causing an interruption or impairment of service rendered to the public by negatively affecting the officer or employee; or

(c) At a pilot, causing an impairment of the safety or operation of an aircraft or causing an interruption or impairment of service rendered to the public by negatively affecting the pilot; or

(d) At a fire fighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who is performing his or her official duties, causing an impairment of the safety or operation of an emergency vehicle or causing an interruption or impairment of service rendered to the public by negatively affecting the fire fighter or employee; or

(e) At a transit operator or driver of a public or private transit company while that person is performing his or her official duties, causing an impairment of the safety or operation of a transit vehicle or causing an interruption or impairment of service rendered to the public by negatively affecting the operator or driver; or

(f) At a school bus driver employed by a school district or private company while the driver is performing his or her official duties, causing an impairment of the safety or operation of a school bus or causing an interruption or impairment of service by negatively affecting the bus driver.

(2) Except as provided in RCW 9A.49.040, unlawful discharge of a laser in the first degree is a class C felony. [1999 c 180 § 3.]

9A.49.030 Unlawful discharge of a laser in the second degree. (1) A person is guilty of unlawful discharge of a laser in the second degree if he or she knowingly and maliciously discharges a laser, under circumstances not

amounting to unlawful discharge of a laser in the first degree or malicious mischief in the first or second degree:

(a) At a person, not described in RCW 9A.49.020(1) (a) through (f), who is operating a motor vehicle at the time, causing an impairment of the safety or operation of a motor vehicle by negatively affecting the driver; or

(b) At a person described in RCW 9A.49.020(1) (b) through (f), causing a substantial risk of an impairment or interruption as described in RCW 9A.49.020(1) (b) through (f); or

(c) At a person in order to intimidate or threaten that person.

(2) Except as provided in RCW 9A.49.040, unlawful discharge of a laser in the second degree is a gross misdemeanor. [1999 c 180 § 4.]

9A.49.040 Civil infraction, when. Unlawful discharge of a laser in the first degree or second degree is a civil infraction if committed by a juvenile who has not before committed either offense. The monetary penalty imposed upon a juvenile may not exceed one hundred dollars. [1999 c 180 § 5.]

9A.49.050 Exclusions. This chapter does not apply to the conduct of a laser development activity by or on behalf of the United States armed forces. [1999 c 180 § 6.]

Chapter 9A.50

INTERFERENCE WITH HEALTH CARE FACILITIES OR PROVIDERS

Beetions	
9A.50.005	Finding.
9A.50.010	Definitions.
9A.50.020	Interference with health care facility.
9A.50.030	Penalty.
9A.50.040	Civil remedies.
9A.50.050	Civil damages.
9A.50.060	Informational picketing.
9A.50.070	Protection of health care patients and providers.
9A.50.900	Construction.
9A.50.901	Severability1993 c 128.
9A.50.902	Effective date-1993 c 128

Sections

9A.50.005 Finding. The legislature finds that seeking or obtaining health care is fundamental to public health and safety. [1993 c 128 \S 1.]

9A.50.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Health care facility" means a facility that provides health care services directly to patients, including but not limited to, a hospital, clinic, health care provider's office, health maintenance organization, diagnostic or treatment center, neuropsychiatric or mental health facility, hospice, or nursing home.

(2) "Health care provider" has the same meaning as defined in RCW 7.70.020 (1) and (2), and also means an officer, director, employee, or agent of a health care facility who sues or testifies regarding matters within the scope of his or her employment.

- (3) "Aggrieved" means:
- (a) A person, physically present at the health care facility when the prohibited actions occur, whose access is or is about to be obstructed or impeded;
- (b) A person, physically present at the health care facility when the prohibited actions occur, whose care is or is about to be disrupted;
 - (c) The health care facility, its employees, or agents;
- (d) The owner of the health care facility or the building or property upon which the health care facility is located. [1993 c 128 § 2.]
- 9A.50.020 Interference with health care facility. It is unlawful for a person except as otherwise protected by state or federal law, alone or in concert with others, to willfully or recklessly interfere with access to or from a health care facility or willfully or recklessly disrupt the normal functioning of such facility by:
- (1) Physically obstructing or impeding the free passage of a person seeking to enter or depart from the facility or from the common areas of the real property upon which the facility is located;
- (2) Making noise that unreasonably disturbs the peace within the facility;
- (3) Trespassing on the facility or the common areas of the real property upon which the facility is located;
- (4) Telephoning the facility repeatedly, or knowingly permitting any telephone under his or her control to be used for such purpose; or
- (5) Threatening to inflict injury on the owners, agents, patients, employees, or property of the facility or knowingly permitting any telephone under his or her control to be used for such purpose. [1993 c 128 § 3.]
- **9A.50.030 Penalty.** A violation of RCW 9A.50.020 is a gross misdemeanor. A person convicted of violating RCW 9A.50.020 shall be punished as follows:
- (1) For a first offense, a fine of not less than two hundred fifty dollars and a jail term of not less than twentyfour consecutive hours;
- (2) For a second offense, a fine of not less than five hundred dollars and a jail term of not less than seven consecutive days; and
- (3) For a third or subsequent offense, a fine of not less than one thousand dollars and a jail term of not less than thirty consecutive days. [1993 c 128 § 4.]
- 9A.50.040 Civil remedies, (1) A person or health care facility aggrieved by the actions prohibited by RCW 9A.50.020 may seek civil damages from those who committed the prohibited acts and those acting in concert with them. A plaintiff in an action brought under this chapter shall not recover more than his or her actual damages and additional sums authorized in RCW 9A.50.050. Once a plaintiff recovers his or her actual damages and any additional sums authorized under this chapter, additional damages shall not be recovered. A person does not have to be criminally convicted of violating RCW 9A.50.020 to be held civilly liable under this section. It is not necessary to prove actual damages to recover the additional sums authorized under RCW 9A.50.050, costs, and attorneys' fees. The

prevailing party is entitled to recover costs and attorneys' fees.

(2) The superior courts of this state shall have authority to grant temporary, preliminary, and permanent injunctive relief to enjoin violations of this chapter.

In appropriate circumstances, any superior court having personal jurisdiction over one or more defendants may issue injunctive relief that shall have binding effect on the original defendants and persons acting in concert with the original defendants, in any county in the state.

Due to the nature of the harm involved, injunctive relief may be issued without bond in the discretion of the court, notwithstanding any other requirement imposed by statute.

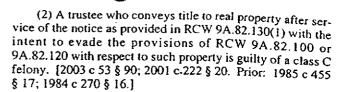
The state and its political subdivisions shall cooperate in the enforcement of court injunctions that seek to protect against acts prohibited by this chapter. [1993 c 128 § 6.]

- 9A.50.050 Civil damages. In a civil action brought under this chapter, an individual plaintiff aggrieved by the actions prohibited by RCW 9A.50.020 may be entitled to recover up to five hundred dollars for each day that the actions occurred, or up to five thousand dollars for each day that the actions occurred if the plaintiff aggrieved by the actions prohibited under RCW 9A.50.020 is a health care facility. [1993 c 128 § 7.]
- 9A.50.060 Informational picketing. Nothing in RCW 9A.50.020 shall prohibit either lawful picketing or other publicity for the purpose of providing the public with information. [1993 c 128 § 8.]
- 9A.50.070 Protection of health care patients and providers. A court having jurisdiction over a criminal or civil proceeding under this chapter shall take all steps reasonably necessary to safeguard the individual privacy and prevent harassment of a health care patient or health care provider who is a party or witness in a proceeding, including granting protective orders and orders in limine. [1993 c 128 § 9.]
- 9A.50.900 Construction. Nothing in this chapter shall be construed to limit the right to seek other available criminal or civil remedies. The remedies provided in this chapter are cumulative, not exclusive. [1993 c 128 § 11.]
- 9A.50.901 Severability—1993 c 128. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1993 c 128 § 12.]
- 9A.50.902 Effective date—1993 c 128. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 26, 1993]. [1993 c 128 § 14.]

- (c) Any property identified in the lien to the extent of the defendant's interest therein.
- (7) The lien created in favor of the state in accordance with this section, when filed or otherwise perfected as provided in subsection (5) of this section, has, with respect to any of the property described in subsection (6) of this section, the same priority determined pursuant to the laws of this state as a mortgage or security interest given for value (but not a purchase money security interest) and perfected in the same manner with respect to such property; except that any lien perfected pursuant to Title 60 RCW by any person who, in the ordinary course of his or her business, furnishes labor, services, or materials, or rents, leases, or otherwise supplies equipment, without knowledge of the criminal profiteering lien, is superior to the criminal profiteering lien.
- (8) Upon entry of judgment in favor of the state, the state may proceed to execute thereon as in the case of any other judgment, except that in order to preserve the state's lien priority as provided in this section the state shall, in addition to such other notice as is required by law, give at least thirty days' notice of the execution to any person possessing at the time the notice is given, an interest recorded subsequent to the date the state's lien was perfected.
- (9) Upon the entry of a final judgment in favor of the state providing for forfeiture of property to the state, the title of the state to the property:
- (a) In the case of real property or a beneficial interest in real property, relates back to the date of filing the criminal profiteering lien or, if no criminal profiteering lien is filed, then to the date of recording of the final judgment or the abstract thereof; or
- (b) In the case of personal property or a beneficial interest in personal property, relates back to the date the personal property was seized by the state, or the date of filing of a criminal profiteering lien in accordance with this section, whichever is earlier, but if the property was not seized and no criminal profiteering lien was filed then to the date the final judgment was filed with the department of licensing and, if the personal property is an aircraft, with the federal aviation administration.
- (10) This section does not limit the right of the state to obtain any order or injunction, receivership, writ, attachment, garnishment, or other remedy authorized under RCW 9A.82.100 or appropriate to protect the interests of the state or available under other applicable law.
- (11) In a civil or criminal action under this chapter, the superior court shall provide for the protection of bona fide interests in property, including community property, subject to liens of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture pursuant to RCW 9A.82.100(4)(f). [2003 c 267 § 7; 2001 c 222 § 16. Prior: 1985 c 455 § 13; 1984 c 270 § 12.]

Purpose—Effective date—2001 c 222: See notes following RCW 9A.82.001.

9A.82.160 Criminal profiteering lien—Trustee's failure to comply, evasion of procedures or lien. (Effective July 1, 2004.) (1) A trustee who knowingly fails to comply with RCW 9A.82.130(1) is guilty of a gross misdemeanor.



Intent-Effective date-2003 c 53: See notes following RCW 2.48.180.

Purpose—Effective date—2001 c 222: See notes following RCW 9A.82.001.

Chapter 9A.84 RCW PUBLIC DISTURBANCE

Sections

9A.84.010 Riot. (Effective July 1, 2004.)

9A.84.010 Riot. (Effective July 1, 2004.) (1) A person is guilty of the crime of riot if, acting with three or more other persons, he or she knowingly and unlawfully uses or threatens to use force, or in any way participates in the use of such force, against any other person or against property.

- (2)(a) Except as provided in (b) of this subsection, the crime of riot is a gross misdemeanor.
- (b) The crime of riot is a class C felony if the actor is armed with a deadly weapon. [2003 c 53 § 91; 1975 1st ex.s. c 260 § 9A.84.010.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Chapter 9A.88 RCW

INDECENT EXPOSURE—PROSTITUTION

(Formerly: Public indecency-Prostitution)

Sections

9A.88.010 Indecent exposure. (Effective July 1, 2004.)

- 9A.88.010 Indecent exposure. (Effective July 1, 2004.) (1) A person is guilty of indecent exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not indecent exposure.
- (2)(a) Except as provided in (b) and (c) of this subsection, indecent exposure is a misdemeanor.
- (b) Indecent exposure is a gross misdemeanor on the first offense if the person exposes himself or herself to a person under the age of fourteen years.
- (c) Indecent exposure is a class C felony if the person has previously been convicted under this section or of a sex offense as defined in RCW 9.94A.030. [2003 c 53 § 92; 2001 c 88 § 2; 1990 c 3 § 904; 1987 c 277 § 1; 1975 1st ex.s. c 260 § 9A.88.010.]

Intent-Effective date-2003 c 53: See notes following RCW 2.48.180.

Acknowledgment—Declaration—Findings—2001 c 88: See note following RCW 43.70.640.

Index, part headings not law—Severability—Effective dates— Application—1990 e 3: See RCW 18.155.900 through 18.155.902.

[2003 RCW Supp--page 103]

security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant issued pursuant to RCW 69.50.502; or

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter.

- (3) A seizure under subsection (2) of this section commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized proceeds to be served within fifteen days after the seizure on the owner of the property seized and the person in charge thereof and any person who has a known right or interest therein, including a community property interest. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure.
- (4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the property seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.
- (5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The provisions of RCW 69.50.505(e) shall apply to any such hearing. The seizing law enforcement agency shall promptly return property to the claimant upon the direction of the administrative law judge or court.
- (6) Disposition of forfeited property shall be made in the manner provided for in RCW 69.50.505 (h) through (j) and (n). [2001 c 168 § 2; 1992 c 210 § 3.]

Severability-2001 c 168: See note following RCW 69.50.505.

9A.83.040 Release from liability. No liability is imposed by this chapter upon any authorized state, county, or municipal officer engaged in the lawful performance of his duties, or upon any person who reasonably believes that he is acting at the direction of such officer and that the officer is acting in the lawful performance of his duties. [1992 c 210 § 4.]

Chapter 9A.84 PUBLIC DISTURBANCE

Sections

9A.84.010 Riot.

9A.84.020 Failure to disperse. 9A.84.030 Disorderly conduct.

9A.84.040 False reporting.

9A.84.010 Riot. (1) A person is guilty of the crime of riot if, acting with three or more other persons, he knowingly and unlawfully uses or threatens to use force, or in any way participates in the use of such force, against any other person or against property.

(2) The crime of riot is:

- (a) A class C felony, if the actor is armed with a deadly weapon;
- (b) A gross misdemeanor in all other cases. [1975 1st ex.s. c 260 § 9A.84.010.]
- **9A.84.020** Failure to disperse. (1) A person is guilty of failure to disperse if:
- (a) He congregates with a group of three or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person, or substantial harm to property; and
- (b) He refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law.
- (2) Failure to disperse is a misdemeanor. [1975 1st ex.s. c 260 § 9A.84.020.]
- **9A.84.030** Disorderly conduct. (1) A person is guilty of disorderly conduct if he:
- (a) Uses abusive language and thereby intentionally creates a risk of assault; or
- (b) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or
- (c) Intentionally obstructs vehicular or pedestrian traffic without lawful authority.
- (2) Disorderly conduct is a misdemeanor. [1975 1st ex.s. c 260 § 9A.84.030.]
- 9A.84.040 False reporting. (1) A person is guilty of false reporting if with knowledge that the information reported, conveyed or circulated is false, he initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that such false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm.
- (2) False reporting is a gross misdemeanor. [1975 1st ex.s. c 260 § 9A.84.040.]

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enjoyment of any telephone or telegraph facilities or service without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, shall be guilty of a misdemeanor. [1929 c 184 § 1; RRS § 5842-1. Formerly RCW 9.45.180.]

9.26A.130 Penalty for manufacture or sale of slugs to be used for coin. Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any coin-box telephone or other receptacle, depository or contrivance, designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, or who, knowing or having cause to believe, that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device, or substance whatsoever intended or calculated to be placed or deposited in any coin-box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor. [1929 c 184 § 2; RRS § 5842-2. Formerly RCW 9.45.190.]

9.26A.900 Severability—1990 c 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1990 c 11 § 6.]

Chapter 9.27 INTERFERENCE WITH COURT

Sections

9.27.015 Interference, obstruction of any court, building, or residence—Violations.

Disturbing school or school meeting: RCW 28A.635.030.

9.27.015 Interference, obstruction of any court, building, or residence—Violations. Whoever, interfering with, obstructing, or impeding the administration of justice, pickets or parades in or near a building housing a court of the state of Washington or any political subdivision thereof, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be guilty of a gross misdemeanor.

Nothing in this section shall interfere with or prevent the exercise by any court of the state of Washington or any political subdivision thereof of its power to punish for contempt. [1971 ex.s. c 302 § 16.]

Severability-1971 ex.s. c 302: See note following RCW 9.41.010.

Chapter 9.31 ESCAPED PRISONER RECAPTURED

(Formerly: Escape)

Sections

9.31.090 Escaped prisoner recaptured.

Ordinance No. 2213

(2002 Ed.)

Escape: RCW 9A.76.110 through 9A.76.130.

Limitation of action against officer for permitting escape: RCW 4.16.110.

Parole-revoked offender as escapee: RCW 9.95.130.

Prisoners—Correctional institutions: Chapter 9.94 RCW

9.31.090 Escaped prisoner recaptured. Every person in custody, under sentence of imprisonment for any crime, who shall escape from custody, may be recaptured and imprisoned for a term equal to the unexpired portion of the original term. [1909 c 249 § 89; RRS § 2341.]

Indeterminate sentences: Chapter 9.95 RCW.

Chapter 9.35 IDENTITY CRIMES

Sections	
9.35.001	Finding—Intent.
9.35.005	Definitions.
9.35.010	Improperly obtaining financial information.
9.35.020	Identity theft.
9.35.030	Soliciting undesired mail.
9.35.040	Information available to victim.
9.35.800	Application of Consumer Protection Act.
9.35.900	Effective date-1999 c 368.
9.35.901	Captions not law-1999 c 368.
9.35.902	Severability1999 c 368

Block of information appearing as result of identity theft: RCW 19.182.160.

9.35.001 Finding—Intent. The legislature finds that financial information is personal and sensitive information that if unlawfully obtained by others may do significant harm to a person's privacy, financial security, and other interests. The legislature finds that unscrupulous persons find ever more clever ways, including identity theft, to improperly obtain and use financial information. The legislature intends to penalize unscrupulous people for improperly obtaining financial information. [1999 c 368 § 1.]

- 9.35.005 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.
- (1) "Financial information" means any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:
 - (a) Account numbers and balances;
- (b) Transactional information concerning an account;
- (c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.
- (2) "Financial information repository" means a person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.
- (3) "Means of identification" means information or an item that is not describing finances or credit but is personal to or identifiable with an individual or other person, including: A current or former name of the person, telephone

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